

and lasting consequences of the sexual assault and brings this action to hold Dr. Torres responsible for the damage he has caused through his despicable and predatory actions.

PARTIES & JURISDICTION

1. At all times relevant to this action, Plaintiff was a resident of Frederick County, Maryland.

2. Upon information and belief, Defendant Dr. Torres is, and was at all times relevant hereto, a resident of Frederick County, Maryland.

3. This Court has subject matter jurisdiction pursuant to Md. Code Ann., Cts. & Jud. Proc. § 1-501.

4. This Court has personal jurisdiction over Defendant pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 6-102 and 6-103.

5. Venue is appropriate in this Court pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 6-201 and 6-202.

STATEMENT OF FACTS

6. Dr. Torres conducted his practice as Ernesto C. Torres, M.D. Pediatric and Adolescent Medicine.

7. Dr. Torres first saw Ms. Doe as a patient when she was one-week old. Ms. Doe continued to see Dr. Torres as a teenager.

8. At every appointment throughout her childhood and adolescence, Ms. Doe's mother would accompany her to the appointment.

9. Ms. Doe saw Dr. Torres frequently as a child due to chronic ear infections. She often had to wait for long periods in the waiting room as other patients were seen before her, even when they arrived later.

10. As she was a frequent patient, it was not uncommon for her mother to wait for her in the waiting room and not always accompany her into the examination room.

11. The first attack against Ms. Doe occurred at the age of nine. Ms. Doe and Dr. Torres were alone in the exam room while her mom waited in the waiting room. Dr. Torres took off Ms. Doe's shirt during his heart and lung examination that he was conducting with his stethoscope. He cupped Ms. Doe's breast with the same hand that he was holding the end of his stethoscope with to her chest during the examination. He continued to pursue the same actions with Ms. Doe's right breast. When he finished Ms. Doe put her shirt back on.

12. The last attack occurred when Ms. Doe was eleven years old. Ms. Doe and Dr. Torres were alone in the exam room while her mom waited in the waiting room. Dr. Torres asked Ms. Doe to remove her shirt and pull down her pants and underwear to above her knees. He cupped her breast during the chest and lung exam as he did during the first attack. After, he pulled out the leg and footrest part of the exam table and had her lay back. He continued to place her legs apart with his hand so that her legs were apart. As he was about halfway down the length of the exam table, he walked along the side of her body and slid the side of his hand and pinky finger vertically from right below her belly button to inside her vaginal area.

13. Ms. Doe notes that there were three attacks. The second attack was the same as the last and third attack.

14. Dr. Torres confessed his actions of assaulting another patient to an investigating police officer and was subsequently convicted for his crimes. He was found guilty of 2nd degree assault and 4th degree sexual offense but has been found incompetent to stand trial for the offenses against Ms. Doe.

15. Ms. Doe has suffered substantial and lasting consequences of the sexual assault.

COUNT I
(Battery)

Plaintiff adopts and incorporates the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein, and further alleges that:

16. Dr. Torres intended to unlawfully touch Plaintiff and to assault and/or sexually assault her as described above.

17. Dr. Torres's conduct, including touching her body, and digitally penetrating Ms. Doe constituted an intentional, offensive, non-consensual touching, of Plaintiff.

18. Dr. Torres's acts against Ms. Doe were undertaken deliberately and with actual malice.

19. Dr. Torres offended Ms. Doe's reasonable sense of personal dignity.

20. As a direct, sole, and proximate result of Dr. Torres's harmful and offensive conduct, Ms. Doe has suffered, and will in the future continue to suffer, substantial damages, including extreme, serious and permanent mental anguish and suffering; severe humiliation; and mental distress.

21. Additionally, Ms. Doe has incurred, and will in the future incur, medical expenses and other related damages, due to the conduct of Dr. Torres.

WHEREFORE, Plaintiff, Jane Doe demands judgment against Defendant, Ernesto Cesar Torres for compensatory damages in an amount to be determined in discovery, but in excess of \$75,000, and for punitive damages plus the costs of this action and such other and further relief as this Court deems appropriate.

COUNT II
(Intentional Infliction of Emotional Distress)

Plaintiff adopts and incorporates the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein, and further alleges that:

22. Dr. Torres's conduct, as more particularly described herein, was intentional, reckless and in deliberate disregard of a high degree of probability that emotional distress would result to Ms. Doe.

23. Dr. Torres's conduct was extreme and outrageous and beyond the bounds of decency in society.

24. Dr. Torres's conduct was malicious and willful.

25. As a direct, sole, and proximate result of Dr. Torres's conduct, Ms. Doe has suffered, and will in the future continue to suffer, severe and extreme emotional distress and substantial damages, including mental anguish and suffering; humiliation; and other mental distress.

26. Additionally, Ms. Doe has incurred, and will in the future incur, medical expenses, and other related damages due to the conduct of Dr. Torres.

WHEREFORE, Plaintiff, Jane Doe demands judgment against Defendant, Ernesto Cesar Torres, for compensatory damages in an amount to be determined in discovery, but in excess of \$75,000, and for punitive damages plus the costs of this action and such other and further relief as this Court deems appropriate.


Respectfully submitted,

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JURY DEMAND

Plaintiff demands a trial by jury as to all of her claims.

Mary Lombardo

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